

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LINDA ROBINSON,

Plaintiff,

v.

MACY’S SYSTEMS AND
TECHNOLOGY, INC.,

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Linda Robinson, by and through undersigned counsel, The Kirby G. Smith Law Firm, LLC, hereby files this Complaint for Damages against Defendant Macy’s Systems and Technology (“Defendant” or “Macy’s”), and states as follows:

I. JURISDICTION AND VENUE

1. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 over Count I of this Complaint, which arises out of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq. (“Title VII”).
2. This Court has jurisdiction over the parties of this action because the employment practices described herein took place in Gwinnett County, Georgia.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.
4. Plaintiff received her Dismissal and Notice of Rights from the Equal

Employment Opportunity Commission (“EEOC”) and files this Complaint within the ninety days of receipt. Exhibit 1.

II. PARTIES

5. Plaintiff is a citizen of the United States and a resident of Gwinnett County, Georgia.

6. Defendant is a Foreign Profit Corporation registered to conduct business in the State of Georgia.

7. Defendant may be served by delivering a copy of the Complaint and Summons to its Registered Agent, Corporate Creations Network, Inc., located at 2985 Gordy Parkway, 1st Floor, Marietta, Georgia 30006.

8. Defendant employed fifteen (15) employees or more at all times relevant to this matter.

9. Defendant is subject to Title VII.

III. FACTUAL ALLEGATIONS

10. Plaintiff was employed full-time by Macy’s as a Senior Operations Analyst during all relevant times, until her termination on July 16, 2020.

11. Plaintiff is African American.

12. Plaintiff received no disciplinary actions or other indications of poor performance prior to her termination.

13. On February 2, 2020, Plaintiff was terminated by Defendant in a series of

layoffs.

14. Upon information and belief, 41 employees were laid off from Plaintiff's location.

15. Upon information and belief, 17 employees were laid off from Plaintiff's department.

16. Upon information and belief 7 of the 8 African American employees in Plaintiff's department were laid off.

17. Upon information and belief, 10 of the 50 non-African American employees in Plaintiff's department were laid off.

IV. CLAIMS FOR RELIEF

COUNT I: **DISPARATE IMPACT IN VIOLATION OF TITLE VII**

18. Plaintiff reasserts and incorporates Paragraphs 1 through 17 of her Complaint as if fully set forth herein.

19. Plaintiff is a member of a protected class by virtue of her race.

20. Plaintiff suffered the adverse action of termination.

21. Plaintiff was qualified for her position.

22. The February 2, 2020 layoffs constitute a specific, facially-neutral employment practice.

23. Non-African American employees were laid off at a rate less than 80% of the rate that African American employees were laid off.

24. The available statistical evidence demonstrates there was a significant statistical disparity in the impact of the layoff on African American employees versus Non-African American Employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. Trial by jury;
- b. A finding that Defendant violated Plaintiff's rights as set forth herein;
- c. Full back pay plus interest, front pay, compensatory damages, punitive damages, reasonable attorney fees, and costs in accordance with Title VII.
- d. Any other relief this Court deems proper and just.

Respectfully submitted this 13th day of January, 2022.

THE KIRBY G. SMITH LAW FIRM, LLC

s/ Evan Drew

Evan Drew

Georgia Bar No. 747996

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JURY DEMAND

Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted this 13th day of January, 2022.

THE KIRBY G. SMITH LAW FIRM, LLC

s/ Evan Drew

Evan Drew

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